

JAN 18 2011

PATENT APPLICATION
Our Reference No.: 15814.11.1IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

U.S. Patent No. : 7,133,687
Applicant : El-Fishawy, et al.
Appl. No. : 10/661,033
Filed : September 12, 2003
Title : DELIVERY OF VOICE DATA FROM MULTIMEDIA
MESSAGING SERVICE MESSAGES
Confirm. No. : 6675
Customer No. : 12,027

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OFFICE OF PETITIONS

Art Unit 2614

**PETITION TO EXCUSE CLAIM TO SMALL ENTITY STATUS
AND PAYMENT OF DEFICIENCY OWED PURSUANT TO 37 CFR § 1.28****Mail Stop Petition**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On September 12, 2003, the above-identified patent application was filed with a claim to small entity status. The small entity status was established in good faith, and the fees as a small entity were paid in good faith. It was subsequently determined that the status of small entity was lost on or about October or November 2009. Accordingly, a Notification of Loss of Entitlement to Small Entity Status was filed on February 3, 2010. However, the United States Patent & Trademark Office did not acknowledge this notification, and on April 29, 2010, a maintenance fee for the above-identified patent was paid in the small entity amount in good faith. Accordingly, Applicant hereby petitions that the error in claiming small entity status be excused pursuant to 37 CFR § 1.28(c).

The following is an itemization of the deficiency payment:

Type of Fee Paid	Date Paid	Current Fee for Non-Small Entity	Small Entity Fee Actually Paid	Difference
3.5 year maintenance fee	4/29/2010	\$980	\$490	\$490
Deficiency Owed:				\$490

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In view of the foregoing, the total deficiency payment owed has been calculated to be \$490. Enclosed is Form PTO-2038 submitting the required payment of \$490. Applicant has endeavored to determine the deficiency payment with due diligence. If a discrepancy is detected in the calculation of the deficiency payment, the Patent Office is hereby authorized to deduct any further required payment or to apply any overpayment to deposit account no. 23-3178.¹

Finally, pursuant to 37 CFR § 1.28(d), applicant requests that this submission be treated as a Notification of Loss of Entitlement to Small Entity Status.

DATED this 18th day of January, 2011.

Respectfully submitted,



Ryan N. Farr
Registration No. 52,882
Attorney of Record

Customer No. 12,027

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¹ The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16 if such fees have not otherwise been paid; and (2) any patent application and reexamination processing fees under 37 CFR § 1.17 if such fees have not otherwise been paid. The Commissioner is hereby authorized to credit overpayment of any fees that may be applicable to this communication to Deposit Account No. 23-3178. If any additional extension of time is required, but has not been requested, please consider this a petition for the additional extension of time and charge any additional fees that may be required for the additional extension of time to Deposit Account No. 23-3178.